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Date: September 9, 2008 Name: Vincent J. Gnoffo, Reg. No. 44,714 Signature: 

Our Case No. 8285/283

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---------------------------------|---|-----------------------------------|
| In re Application of: |) | |
| |) | |
| Theodore James Myers et al. |) | |
| |) | Examiner: Alexander G. Kalinowski |
| Serial No. 09/391,427 |) | |
| |) | Group Art Unit No. 3626 |
| Filing Date: September 8, 1999 |) | |
| |) | |
| For Combination Reservation and |) | |
| Navigation System and Method |) | |
| Therefor |) | |

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

Applicants request review of the final rejection that was mailed July 9, 2998 in the above-identified application. No amendments to the claims are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets.

No more than five (5) pages are provided.

I. Introduction

Claims 12, 13, 18-21, 25, 38-43, 59-63 and 69-76 stand rejected under 35 U.S.C. 103 as being unpatentable over Zeitman (U.S. Patent No. 5,940,481) in view of the Background of the application and further in view of DeLorme et al. (U.S. Patent No. 5,948,040). Claims 14, 17 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman, the Background and DeLorme et al. as applied to claim 12, and further in view of Yoshida (U.S. Patent No. 5,877,704). Claims 15 and 22 stand rejected under 35 U.S.C 103(a) as being unpatentable over Zeitman and the Background, DeLorme et al. and further in view of Sehr (U.S. Patent No. 6,085,976). Claims 66-68 stand rejected under 35 U.S. C. 103(a) as being unpatentable over Zeitman, the Background and Applicant's purported admission of prior art.

II. Claims Should Be Allowed Because References Fail to Disclose All Features

A. Claims 12, 13, 18-21, 25, 38-43, 59-63 and 69-76

The Final Office Action on pages 16 and 17 admits that the references, alone or in combination, fail to explicitly recite automated transmission of direction information and/or determination of a user location in response to the confirmation. While the Final Office Action alleges that what is disclosed is the functional equivalent of the claims, Applicants request that the rejection be withdrawn and the claims allowed for at least the reason that these features are missing from all of the references. The features are positively, not functionally, recited, so the claims should be allowed. In other words, the recited features cannot be the equivalent of a missing element. For example, a recited fastener may be the equivalent of a disclosed screw, but if the screw is not shown in the cited references there is nothing for the fastener to be equivalent to. In other words, the Office Action should cite a reference that shows the missing features in the context of the claims, otherwise allow the claims. The Office Action cannot merely state that the feature is equivalent to something clearly not shown, such

as with regard to an explicit action in response to receiving confirmation information. For at least these reasons, Applicants respectfully request that the rejections be withdrawn.

B. Claims 14, 17 and 24

Further to the above, Yoshida, alone or in combination with the other references, fails to disclose or suggest automatically determining a customer geographic location for the customer by a location-determining device in response to receipt of confirmation information. For at least the reasons discussed above, Applicants respectfully request that the rejection of claims 14, 17 and 24 be withdrawn.

C. Claims 15 and 22

Further to the above, Sehr alone or in combination with the other references, fails to disclose or suggest automatically determining a customer geographic location for the customer by a location-determining device in response to receipt of confirmation information. For at least the reasons discussed above, Applicants respectfully request that the rejection of claims 15 and 22 be withdrawn.

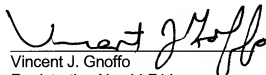
D. Claims 66-68

Further to the above, claims 66-68 depend from claim 12, and since no new reference is being used with this rejection, these claims should be allowed at least for the reasons discussed above. Therefore, Applicants respectfully request that the rejection of claims 66-68 be withdrawn. Moreover, the Office Action has provided no reference to show these features, such as in the context of the claims, and therefore the features are clearly missing from the prior art with regard to the claims. For this additional reason, the rejections should be withdrawn and the claims allowed.

III. Conclusion

For at least the above reasons, Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vincent J. Gnoffo", written over a horizontal line.

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